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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 09/920,168  | 08/01/2001  | John Kelley          | 08556-15USPT                  | 5298             |
| 23932   | 7590        | 07/13/2005           |                               |                  |
| JENKENS & GILCHRIST, PC<br>1445 ROSS AVENUE<br>SUITE 3200<br>DALLAS, TX 75202 |             |                      | EXAMINER<br>NGUYEN, ANTHONY H |                  |
|   |             |                      | ART UNIT<br>2854              | PAPER NUMBER     |

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/920,168

**Applicant(s)**

KELLEY, JOHN

**Examiner**

Anthony H. Nguyen

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 16-21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Clauditz (US 5,330,576) in view of Helms et al. (US 5,676,754).

With respect to claim 1, Clauditz teaches a fluid supply system having substantially the structure and method of supplying fluid to a press as recited. For examples, Clauditz teaches a fluid system having a first fluid source 1 and a supply line 20 (Clauditz, Fig.1) for supplying a fluid to the press via a supply valve 41, second fluid source 2 and a second supply line for supplying fluid to the press via a supply valve 92 (Fig.4), a conduit 8 or a header 9 which communicates with the first and second supply lines, return line (no numeral reference) including a valve 39 and a conduit valve 130 (Fig.4) which control the flow of the first and second fluids to by pass the press. Clauditz does not appear to teach the conduit being proximate to the supply tube and the drain tube ( the drawings of Clauditz are schematized, Col.3 lines 50 and 61). Helms et al. teaches a fluid system having a conduit 116 being proximate to the inlet conduit or the supply tube 108 and the outlet conduit 110 or the drain tube 11 as shown in Fig.7 of Helms et al. In view of the teaching of Helms et al., it would have been obvious one of ordinary skill in the art to modify the fluid system of Clauditz by providing the conduit as taught by Helms et al. to improve the efficiency of circulating the fluid in a press. With respect to claims 16-21, the

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combination of Clauditz and Helms et al. renders obvious the steps as recited including the step of supplying a first fluid to and from the press via the supply tube and drain tube which are connected to a conduit means being proximate to the tubes.

Claims 2-15 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Clauditz (US 5,330,576) in view of Marschke (US 5,967,044).

Clauditz teaches a fluid supply system having substantially the structure as recited. See the explanation of Clauditz above. Clauditz does not teach the programmable logic controller for actuating the valves to control fluid flow through the fluid supply system. However, Marschke teaches a fluid supply system having a programmable system controller 13 for actuating valves 18 to control fluid flow in the system (Marschke, fig.1 and the paragraph bridging cols.3 and 4). In view of the teaching of Marschke, it would have been obvious to one of ordinary skill in the art to modify the fluid supply system of Clauditz by providing the controller as taught by Marschke for optimal control of supplying fluid in a fluid supply system.

### ***Response to Arguments***

Applicants' arguments filed on May 16, 2005 have been fully considered but they are not persuasive in view of the new ground(s) of rejection.

### ***Conclusion***

The patents to Sanner and Tofte et al. are cited to show other structures and methods having obvious similarities to the claimed structure and method.

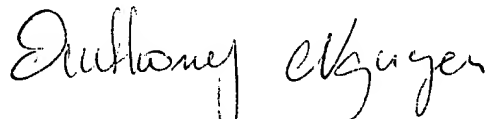
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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168. The fax phone number for this Group is (703) 872-9306.



Anthony Nguyen  
7/7/05  
Patent Examiner  
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